



## Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact [support@jstor.org](mailto:support@jstor.org).

There are nine pages of index; but in testing it on one particular subject the reviewer has sought in vain for the titles age, nonage, majority, minority, *pubes*, *impubes*, *pupillus*.  
M. S.

THE LAW OF HOMICIDE. By Francis Wharton. Third Edition by Frank H. Bowlby. Rochester: Lawyers Co-operative Publishing Company. 1907. pp. clvi, 1120. 8vo.

Those who are familiar with the two older editions of Wharton will find considerable difficulty in recognizing the work in its present form. The first and second editions were of 537 and 794 pages and cited respectively about 750 and 1700 cases; the present edition has nearly as many pages and half again as many cases as the two older editions together. The index has been entirely rewritten and greatly enlarged. In general the arrangement of chapters of the second edition has been followed. In many cases, however, what was treated in a sentence in the older work has now, by the growth of new distinctions and increased decisions, grown into a topic necessitating several sections or even a chapter for its adequate consideration. Like the earlier editions, the present covers not only the substantive law of homicide, but the law of criminal procedure as well, so far as it relates to trials for homicide. There is also a lengthy chapter on evidence in homicide cases.

The present edition has nothing to indicate what parts of it are the work of the author and what of the editor. So far as can be judged from a comparison with the second edition it would seem that the text of Wharton had been used where possible as a starting-point for further distinctions and illustrative cases, and elsewhere simply incorporated in the present text. In some few chapters, as for example that on Elementary Principles as to Malice, the language of the second edition stands practically unchanged.

The treatise as it now stands has, so to speak, been "standardized." It is a logically arranged, detailed, and for the most part clear statement of the various doctrines of the law of homicide. These statements of the law have been illustrated and supported by an almost exhaustively complete collection of decisions. The annotation on the statutory degrees of murder (pp. 153 *et seq.*); the citations on the varying rules as to the necessity for retreat in cases of self-defense (pp. 476 *et seq.*) are good illustrations of the diligence with which the work has been done. For the practitioner who wants to know what the decisions are on a given point the book will prove of great value. Further than this, however, one cannot fairly go. There is little of the personality of the editor felt in the work. One feels throughout a distinct lack of the consideration of conflicting views from the standpoint of general principles, the suggestion of possible distinctions between apparently opposed cases, and the discussion of points not yet settled by decision, — elements that go to make a law treatise of the first rank.

H. A. B.

HISTORY OF ROMAN PRIVATE LAW. By E. C. Clark. Part I. Sources. Cambridge: At the University Press. 1906. pp. 168. 12mo.

Professor Clark's purpose is to write a "new History of Roman Law," and while a firm believer in Ihering's method of treating the facts relating to the subject (to make "a generalization of the Spirit of Roman law — as a whole" on the "relation of cause and effect") he has his own special point of view: "to trace the development of that part of Roman law which has more particularly survived to modern thoughts and times," because Roman law is "an example and a lesson of experience for practical politics and actual life." This Part I., "Sources," is a critical consideration of the "sources of our knowledge" of Roman law from earliest Roman history to the last of the cited jurists or the commencement of the era of imperial codification of Roman law, — a period of nearly eleven centuries (from the traditional founding of Rome, 754 B. C., to the Codex Hermogenianus, 314-339 A. D.). Professor Clark divides